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Note verbale dated 29 September 2008 from the Permanent Mission of Indonesia to the United Nations addressed to the President of the General Assembly

The Permanent Mission of the Republic of Indonesia to the United Nations presents its compliments to the President of the General Assembly at its sixty-third session and has the honour to forward herewith a statement of the delegation of the Republic of Indonesia in its exercise of the right to reply to the statement delivered by the President of the Republic of Vanuatu in the general debate on 26 September 2008 (see annex).

The Permanent Mission of the Republic of Indonesia to the United Nations has further the honour to request that the present note verbale and its annex be circulated as a document of the General Assembly, under agenda item 8.

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Annex to the note verbale dated 29 September 2008 from the Permanent Mission of Indonesia to the United Nations addressed to the President of the General Assembly

Statement of the delegation of Indonesia in exercise of its right of reply

General debate, sixty-third session of the General Assembly, 26 September 2008

The delegation of the Republic of Indonesia wishes to exercise its right of reply in relation to the statement made by the President of the Republic of Vanuatu on 26 September 2008. The delegation of Indonesia is deeply disturbed by his suggestion that the legality of Indonesia's sovereignty over Papua, the easternmost part of the country, is questionable.

In this regard, the delegation of Indonesia wishes to assert that the reintegration of the territory into the Unitary State of the Republic of Indonesia through the 1969 Act of Free Choice is valid, legal and irrevocable. The status of Papua as part of Indonesia is final and was endorsed in 1969 by the General Assembly in its resolution 2504 (XXIV).

Papua was an integral part of the Netherlands East Indies. From the administrative point of view, the Dutch colonial government administered the whole territory of the Netherlands East Indies from Batavia (present-day Jakarta). From the territorial point of view, the indivisibility of Papua as part of the Netherlands East Indies was recognized in the London Agreement of 1824 between Great Britain and the Netherlands, and reflected in the 1825 map of the Netherlands East Indies, which places Papua as its easternmost boundary.

When declaring independence, Indonesia's founding fathers referred to the whole territory of the Netherlands East Indies as the legitimate territory of Indonesia. This is in line with the principle of *uti possidetis* in international law, by which the successor State would inherit the whole territorial boundary of a colony. As far as Indonesians are concerned, the 1945 proclamation of independence was in itself an act of self-determination, covering the whole territory of Indonesia from Sabang (the westernmost part of Sumatra island) to Merauke (the easternmost part of Papua).

The 1969 Act of Free Choice was carried out on the basis of the New York Agreement of 1962 as a solution to the conflict between Indonesia and the Netherlands arising out of the latter's recalcitrance to return West Papua to the former. This solution was fully endorsed by the United Nations, and through General Assembly resolution 2504 (XXIV), the final status of Papua as a legitimate part of Indonesia was sealed.

Therefore, the effort to reopen the question of the legality of Indonesia's sovereignty over Papua is irrelevant and will only serve the interests of secessionists, which runs counter to the purposes and principles of the United Nations as contained in the Charter.

Finally, it must be borne in mind that international law ensures that a State or Government that represents all of its peoples on the basis of equality and without discrimination, and respects the principles of self-determination, is entitled to maintain its territorial integrity. In this regard, we would like to stress that Indonesia, as the world's third-largest democracy, ensures that every citizen enjoys the same rights.